

What is a Fair Hearing?

If you think we have made a mistake on your Medicaid eligibility decision, you can ask for a meeting that is called a Fair Hearing. Sometimes it is called an **Appeal Hearing**.

Do I have a time limit to request a Fair Hearing?

Yes. You have 30 days from the date of the notice explaining the action taken on your case to ask for a Fair Hearing.

How do I ask for a Fair Hearing?

You may ask for a Fair Hearing through the Medicaid office in your area by telephone, in-person, or by mail. You may fill out the back of your notice or write a letter to ask for a Fair Hearing. The Medicaid office will send your request to the Appeals Bureau. If you like, you may mail it directly to the DHH Appeals Bureau at P.O. Box 4183, Baton Rouge, LA 70821-4183.

What if I am not sure I want a Fair Hearing?

You may ask to talk to a Supervisor in the local Medicaid office before the 30 days on your written notice ends. The Supervisor will review the decision made on your case. If the Supervisor agrees with the decision made on your case, you may be given other information about the reason we took the action.

Sometimes we make a mistake. If the Supervisor does not agree with the decision, you will get a new decision notice. You may wish to ask for a Fair Hearing after the supervisor has reviewed the action taken or proposed on your case.

How will I know that the Appeals Bureau received my request?

You will get a letter that tells you that your Fair Hearing request was received by the Appeals Bureau.

Will my medical coverage end if I ask for a Fair Hearing?

In most cases, if you are already certified for Medicaid or Medicaid-related coverage, we will not take action on your case if you ask for a Fair Hearing **within 10 days** of the notice. Your coverage will stay active or unchanged until the Appeals Bureau decision has been made. This will give you, or anyone you want to represent you, time to give us the information we need or time to discuss this decision with a supervisor in the Medicaid office.

May I ask for the hearing date to be delayed until later?

The Administrative Law Judge may grant a delay in cases of AGood Cause@ only.

Can I review my case file before the hearing?

Before the hearing you will get a copy of the report (Summary of Evidence) prepared by the local Medicaid office. The report will tell you why the agency decided to take the action on your case. It will include the forms, information, and policies used to make their decision. You may contact your local Medicaid office if you would like other information from your file.



Who will be the judge at the hearing?

An Administrative Law Judge from the DHH Appeals Bureau will be assigned to hear your case. The Administrative Law Judge will be fair. The Administrative Law Judge did not make the decision that will be reviewed in your hearing and does not work for the Medicaid Program.

How long does the hearing last?

The Fair Hearing usually lasts no longer than one hour.

How long will it take to get a decision?

In most cases a decision will be made within 90 days from the date you filed the request for a Fair Hearing, unless you asked for an extension.

What will the decision say?

You will get a written decision that will give a summary of the facts of your case and the rules and regulations that supported the decision. The decision will be based on the evidence presented at the Fair Hearing.

What if my situation changes before the hearing?

If your situation changes before the hearing, you should contact the local Medicaid office. You may be asked to bring new information to the hearing such as medical reports and information about income changes.

Do I have to be at the hearing?

No. If you do not want to be at the hearing, you may have a relative, friend, or other spokesperson represent you. Legal counsel may also represent you. Medicaid providers **cannot** serve as your representative.

Where do I go for the Fair Hearing meeting?

Fair Hearings are usually held at local Medicaid offices. You will get a letter from the Appeals Bureau that will give you the date, the time, and where you need to go for the hearing.

Will the hearing be face-to-face with an Administrative Law Judge?

Fair Hearings are usually done by telephone at the local Medicaid office. The hearing will be taped and a speaker phone will be used to talk to the Administrative Law Judge. You, those you choose to attend, and local Medicaid staff members will be at the meeting. If requested timely, a face-to-face hearing at the local Medicaid office may be granted.

Can I get free legal assistance?

You may be able to get free legal help from the legal assistance office nearest you. You can get the telephone number of the nearest legal assistance office from the local Medicaid office.

What happens during the hearing?

- 1) The Administrative Law Judge will preside over the hearing and may question those present at the hearing.
- 2) All persons present must be sworn in.
- 3) First, a Medicaid staff member will read the Summary of Evidence and explain the reason for the action. Witnesses may be called to give testimony and answer questions. You may question the Medicaid staff and the witnesses.
- 4) Next, you or your representative will explain why you feel the action should not be taken on your case. Witnesses may be called to give testimony and answer questions. Medicaid staff may question you, your representative, and witnesses.

What if I lose my case?

If you lose the appeal, you may be asked to pay the Medicaid Program for any Medicaid benefits you received while you were waiting for your Fair Hearing decision.

What if I do not agree with the decision?

If you do not agree with the decision, you may ask for a judicial review. You will have 30 calendar days from the date of the appeal decision notice to file the request in the parish where you live or in East Baton Rouge parish.

When can I re-apply for Medicaid?

You can **re-apply** for Medicaid benefits at any time. You do not have to wait until the Fair Hearing decision is made before re-applying.

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Medicaid Fair Hearings (Appeals)



When you **apply for** or **receive** Medicaid health coverage, you get certain rights and responsibilities. This includes the right to ask for a Fair Hearing if you don't agree with the action taken to deny, close, or reduce your Medicaid benefits.

This brochure will help you. . .

- **Understand** your Appeal rights
- **Decide** if you want to ask for a Fair Hearing
- **Prepare** for a Fair Hearing